

REMARKS

Applicant has considered all points made by the Examiner in the Office Action and has responded to same in order to ensure compliance with the applicable rules.

1. Drawings.

The drawings filed with the application have been found acceptable by the Examiner for examination purposes only. Formal drawings are filed herewith pursuant to the Examiner's requirement.

2. Claim Rejections.

Claims 1-6, 8-12, 15-18, and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Woodland (U.S. Patent No. 6,056,237) in view of Young et al (U.S. Patent No. 6,626,399). Notwithstanding the response to these rejections below, Applicants make no admission that Young is prior art for the purposes of the instant patent application.

Applicants' claim 1 calls for an airborne vehicle with wings capable of being removed, a launch system including a launch rail, and a container to hold the airborne vehicle and the launch rail. In order to make obvious Applicants' claimed invention, the references cited by the Examiner must disclose all claimed limitations, *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), and there must be some suggestion or motivation to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1981). Nothing in the cited references shows or suggests removable wings. In addition, there is no combine the reference teachings. Therefore, Applicants respectfully traverse these rejections.

With respect to claim 1, Applicants' invention differs from Woodland and Young in that Applicants' invention allows for the removal of the wings from the fuselage. This capability is lacking in both of the cited references. The advantages of this feature are that the aircraft is more easily stored within a smaller container and damaged wings may be more easily replaced.

In addition to the missing limitation, there is no motivation to combine Woodland and Young. Woodland discloses a vehicle which is launched under its own power. No assistance is provided to the vehicle during the launch sequence. The launch tube of Woodland is a stabilizing feature which also serves to protect the vehicle while not in use. In distinct contrast, the launch rail

of Young is required to impart momentum to the vehicle. This is illustrated by the fact that the motor for the vehicle is not started until after the vehicle is catapulted into the air (Col. 2, Lines 54-56). In addition, the vehicles themselves are of completely different classes. The Woodland vehicle is a tubular missile-shaped vehicle powered by a turbojet engine or rocket. In contrast, the Young vehicle is in the shape of a traditional aircraft powered by a propeller driven engine. Therefore, claim 1 is not obvious in light of Woodland and Young.

With respect to claim 22, the Velcro of Young and the shear pins of Applicants' invention serve distinctly different purposes. The shear pins of Applicants' invention prevent the airborne vehicle from disengaging from carriage before carriage has traveled the full length of the launch rail. In contrast, the Velcro of Young serves the sole purpose of attaching the carrying case (162) to the horizontal plate (106) of the launch rail assembly (22). (See Figures 2, 7, and 8).

With respect to claims 2-23, because no cited reference teaches or suggests, alone or in combination, the elements of independent claim 1, claim 1 is not obvious in light of the cited references. If an independent claim is nonobvious under 35 U.S.C § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Claims 2-10 depend from Claim 1. Therefore, Applicant respectfully requests the Examiner to withdraw the obviousness rejection of Claims 2-23.

CONCLUSION

The applicant requests a telephone call if there are any problems associated with this Response, as this Response is believed to put the case in condition for allowance.

Applicant also wishes to advise the Examiner that Applicant has filed a supplemental Information Disclosure Statement and fee in accordance with 37 CFR §§ 1.97(c) and 1.98, and MPEP §609.

At this time and in view of Applicant's amendments and arguments set forth above, it is respectfully submitted that all pending claims are allowable, and a Notice of Allowance is respectfully requested.

Respectfully submitted,
JACKSON WALKER L.L.P.

A handwritten signature in black ink, appearing to be 'D. Chapman', followed by a long horizontal line extending to the right.

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